IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	Lipponen, et al.	CONF. NO.:	1077
SERIAL NO.:	09/716,880	ART UNIT:	2618
FILING DATE:	November 20, 2000	EXAMINER:	Trinh, Tan H.
TITLE:	Electronic Device and a Method in an Electronic Device		
ATTORNEY DOCKET NO.:	442-009934-US(PAR)		

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

I. INTRODUCTION

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal and a petition for a tree-month extension of time.

Reconsideration of the rejection of the claims is respectfully solicited in light of the following remarks.

II. REMARKS

The Examiner has not established that Taylor et al., U.S. Pub. 2003/0025679 ("Taylor") anticipates claims 1, 2, 9, 15, 20 and 22 under 35 USC 102(e).

To anticipate a claim the reference must teach each and every element of the claim.

Taylor fails to disclose or suggest "a keyboard plate fixed over the touch sensitive element so that the depression of a key of the keyboard plate causes said key to touch the touch sensitive element essentially at a position on the touch sensitive element corresponding to the point of the key and means for correlating the position of touching on the touch sensitive element, according to which key is depressed" as recited in Applicant's claim 1.

Taylor provides two independent means by which data may be entered, namely, keymat 22 with keys 20, and touchpad 26. In Taylor "keypad posts associated with each key pass through an electrode grid of the touchpad in such a way so that the posts do not interfere with touchpad detection and tracking of a pointing object that moves along the keypad surface." "The keys of the keypad provide the first type of user input" and "[t]he touchpad provides the second type of user input. The keys of keypad provide discrete input in the form of alphanumerical characters. In contrast, the touchpad is an impedance sensing means. More specifically, the touchpad utilizes mutual capacitance-sensing technology to determine the location of a finger over a surface thereof." (Para. 0037).

There can be no doubt from this language, considered with figures 2 and 3 of Taylor, that actuation of the keys of Taylor does not cause the keys to touch the touchpad 26. In Taylor the keys push past 24 through aperture 28 to actuate a mechanical switch 32 on substrate 30 underneath the touchpad 26 when the keys are pressed (Para. 0040). The "apertures 28 are disposed through the touchpad 26 to enable passage of the posts 24" (Para. 0044). The relationship of the touchpad and keymat is clearly independent and the touchpad is constructed to avoid interference in the operation of the two means of input. The independent nature of each input (i.e. keymat and touchpad) can be seen in Figure 3 of Taylor. Paragraph 0048 of Taylor reads "FIG. 3 is a close-up profile cross-sectional view of a portion of the keypad 18, wherein the key 20 having post 24 is disposed over aperture 28 through the touchpad 26. The post 24 is adjacent to or even resting on the dome 36. The switch substrate 30 is shown spaced apart some distance by gap 40 to enable the dome 36 to be actuated by the post 24."

Clearly aperture 28 is aligned with key post 24 so that the post passes through the touch pad 26. It does not contact or touch the touch pad as is claimed by Applicant.

Again, Applicant's claim 1 recites that "a keyboard plate" is "fixed over the touch sensitive element so that the depression of a key of the keyboard plate causes said key to touch the touch sensitive element essentially at a position on the touch sensitive element corresponding to the point of the key and means for correlating the position of touching on the touch sensitive element, according to which key is depressed". The cited reference Taylor fails to disclose a keypad, the keys of which touch a touch element in a manner that corresponds to the claims of this application.

The Examiner relies on an excerpt from the reference Taylor that the key, when pressed to actuate the mechanical switch will be pressing on and slightly deforming the touchpad 26 (See Para. 0051). However, paragraph 0051 also recites that "movement of the touchpad 26 should be minimized in order to reduce damage that might occur to electrodes disposed thereon." Therefore, Taylor teaches that touching of the touchpad 26 by key post 24 is to be avoided. It cannot be used by the Examiner as a disclosure of the exact opposite, namely, that the keys are used to touch the touch sensitive element. To the contrary, the touchpad 26 of Taylor detects a pointing object without direct contact with a sensing surface of the touchpad 26 using proximity sensing (i.e. the ability to detect a pointing object on the plurality of keys (20) or the space between the keys) (Para. 0052). Thus, Taylor cannot anticipate at least the feature that the key touches the touch sensitive element as claimed by Applicant.

Additionally, nowhere in Taylor is it disclosed that "a keyboard plate" is "fixed over the touch sensitive element so that the depression of a key of the keyboard plate causes said key to touch the touch sensitive element essentially at a position on the touch sensitive element corresponding to the point of the key and means for correlating the position of touching on the touch sensitive element, according to which key is depressed." The touchpad 26 in Taylor is separate from and operates distinctly from the keymat 22. The touchpad uses proximity sensing for detecting a pointer that is located above and between the keys. During detection the keys are not depressed nor

do the keys come into contact with the touchpad 26. When the keys 20 of Taylor are used posts 24 that extend from the keys through apertures 28 in the touchpad 26 actuate mechanical switches 32 located on a switch substrate 30, which is beneath the touchpad 26 (Paras. 0045; 0047). Further Taylor teaches away from interfering with the electrode grid of the touchpad (See e.g. Para. 0039 which reads, "[w]hat is important is that the material used for the key 20 does not interfere with the operation of touchpad."). Therefore, there can be no establishment of a position indication of the key post 24 on the touchpad 26. Thus, this feature cannot be anticipated by Taylor.

Taylor also does not disclose or suggest means for correlating the position of touching on the touch sensitive element according to which key is depressed as recited by Applicant in the claims. As noted above, in Taylor, the key/keymat is not configured to touch the touchpad. Rather, Taylor relies on post 24, which passes "through" the touchpad, to contact the switch. Figures 1-3 of Taylor clearly demonstrate that the keys do not "touch" the touchpad in a manner as claimed by Applicant. While the touchpad may be close to the keymat 22 and key 20, it is the "aperture 28" that makes operable the configuration of the keypad 18. Thus, the keys in Taylor do not touch the touch sensitive element and therefore Taylor cannot disclose or suggest means for correlating the position of touching on the touch sensitive element as claimed by Applicant.

For all of these reasons, the disclosure of Taylor, therefore, does not support the rejection based on anticipation.

Claims 4, 10 and 19 are not obvious over Taylor in view of the reference Lee, U.S. Patent No. 6,243,595 under 35 USC 103(a). In addition, claims 3,6-8,12, and 21 are not obvious over Taylor in view of the reference Riddiford, U.S. Patent No. 6,587,675 under 35 USC 103(a).

The combined teachings of Taylor and Lee and Taylor and Ridderford do not render the respective claims obvious because they fail to teach or otherwise suggest each and every limitation of the claims. It is well settled that in order to establish a prima facie

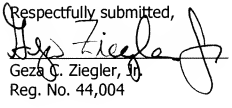
case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application. (MPEP Section 2142) *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

In particular the combined teaching fails to disclose or suggest the claimed features of independent claims 1,9 and 15 as indicated above. These grounds apply equally to the rejected dependent claims, all of which, by dependency, have the limitations described in the independent claims. None of the cited references remedy the deficiencies of the primary reference Taylor.

For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for a three-month extension of time and any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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